

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott S. Graves, John M. Reno, Robert W. Mallett,  
Mark D. Hylarides, Stephen M.J. Searle, Andrew H. Henry,  
Jan T. Pedersen and Anthony R. Rees

Application No. : 08/871,488

For : HUMANIZED ANTIBODIES THAT BIND TO THE ANTIGEN  
BOUND BY ANTIBODY NR-LU-13 AND THEIR USE IN  
PRETARGETING METHODS

Docket No. : 690022.527C1

Assistant Commissioner for Patents  
Washington, DC 20231

SUPPLEMENTAL DECLARATION

As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We have reviewed and understand the contents of the foregoing specification, including the claims, and we believe we are the original, first and joint inventors of the invention entitled "HUMANIZED ANTIBODIES THAT BIND TO THE ANTIGEN BOUND BY ANTIBODY NR-LU-13 AND THEIR USE IN PRETARGETING METHODS," which is described and claimed in the specification and claims of United States Patent Application No. 08/871,488, which we filed in the United States Patent and Trademark Office on June 9, 1997 and for which a patent is sought. This application is a continuation-in-part of U.S. Patent Application No. 08/660,362, filed June 7, 1996 and abandoned; which application is incorporated by reference in its entirety and to which we claim the benefit under 35 U.S.C. § 120.

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a), including material information which became available between the filing date of the first filed application listed above and the continuation-in-part application listed above.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

  
\_\_\_\_\_  
Scott S. Graves


Date MAY 2 2000

Residence / : City of Monroe, County of Snohomish  
State of Washington

Citizenship : United States of America

P.O. Address : 23302 171st Avenue S.E.  
Monroe, Washington 98272

[illegible]

  
John M. Reno

Date April 17, 2K

**Residence** : City of Brier, County of Snohomish  
State of Washington

Citizenship : United States of America

P.O. Address : 2452 Elm Drive  
Brier, Washington 98036

Date 5/3/00

Citizenship : United States of America

P.O. Address : 14216 61st Avenue S.E.  
Everett, Washington 98208

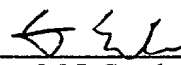
Mark D. Hylarides  
Mark D. Hylarides

Date 5-2-00

Residence : City of Stanwood, County of Skagit  
State of Washington

Citizenship : United States of America

P.O. Address : 21728 50th Avenue N.W.  
Stanwood, Washington 98292


  
Stephen M.J. Searle

Date 12/05/00

Residence : City of Cambridge  
County of Cambridgeshire

Citizenship : United Kingdom

P.O. Address : 6 Angus Close  
Devonshire Road  
Cambridge  
CB1 2AT  
UNITED KINGDOM

  
Andrew H. Henry

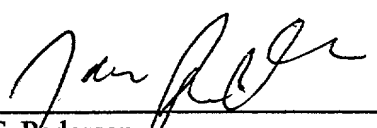
Date 12<sup>th</sup> June 2000

Residence : City of Ely  
County of Cambridgeshire

Citizenship : United Kingdom

P.O. Address : 33 Chapel Street  
Ely, Cambridgeshire  
CB6 1AD  
UNITED KINGDOM



  
\_\_\_\_\_  
Jan T. Pedersen

Date

15/5/2020

Residence

:

City of Bronshøj  
County of Copenhagen

Citizenship

:

Denmark

P.O. Address

:

Holck's Plads 14, 1  
2700 Bronshøj  
DENMARK

AN

15.6.00

Citizenship : United Kingdom

	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2
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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott S. Graves, John M. Reno, Robert W. Mallett,  
Mark D. Hylarides, Stephen M.J. Searle, Andrew H. Henry,  
Jan T. Pedersen and Anthony R. Rees

Application No. : 08/871,488

For : HUMANIZED ANTIBODIES THAT BIND TO THE ANTIGEN  
BOUND BY ANTIBODY NR-LU-13 AND THEIR USE IN  
PRETARGETING METHODS

Docket No. : 690022.527C1

Assistant Commissioner for Patents  
2011 Jefferson Davis Highway  
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints RICHARD W. SEED, Registration No. 16,557; ROBERT J. BAYNHAM, Registration No. 22,846; EDWARD W. BULCHIS, Registration No. 26,847; GEORGE C. RONDEAU, JR., Registration No. 28,893; DAVID H. DEITS, Registration No. 28,066; WILLIAM O. FERRON, JR., Registration No. 30,633; PAUL T. MEIKLEJOHN, Registration No. 26,569; DAVID J. MAKI, Registration No. 31,392; RICHARD G. SHARKEY, Registration No. 32,629; DAVID V. CARLSON, Registration No. 31,153; MAURICE J. PIRIO, Registration No. 33,273; KARL R. HERMANN, Registration No. 33,507; DAVID D. McMASTERS, Registration No. 33,963; ROBERT IANNUCCI, Registration No. 33,514; JOSHUA KING, Registration No. 35,570; MICHAEL J. DONOHUE, Registration No. 35,859; CHRISTOPHER J. DALEY-WATSON, Registration No. 34,807; STEVEN D. LAWRENZ, Registration No. 37,376; ROBERT G. WOOLSTON, Registration No. 37,263; ELLEN M. BIERMAN, Registration No. 38,079; BRYAN A. SANTARELLI, Registration No. 37,560; CAROL NOTTENBURG, Registration No. 39,317; CRAIG S. JEPSON, Registration No. 33,517; PAUL T. PARKER, Registration No. 38,264; JOHN C. STEWART, Registration No. 40,188; ROBERT W. BERGSTROM,

Registration No. 39,906; DAVID W. PARKER, Registration No. 37,414; ROBERT E. MATES, Registration No. 35,271; BRIAN G. BODINE, Registration No. 40,520; FRANK ABRAMONTE, Registration No. 38,066; E. RUSSELL TARLETON, Registration No. 31,800; FREDERICK M. FLIEGEL, Registration No. 36,138; JAN C. L. MAXWELL, Registration No. 41,181; THOMAS L. EWING, Registration No. 34,328; CLIFTON G. GREEN, Registration No. 41,044; and PHILLIP B. C. JONES, Registration No. 38,195, comprising the firm of SEED AND BERRY LLP, 6300 Columbia Center, Seattle, Washington 98104-7092; along with ANNA LEWAK WIGHT, Registration No. 33,006, NeoRx Corporation, 410 West Harrison, Seattle, Washington 98119, as its attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls to RICHARD G. SHARKEY at (206) 622-4900 and telecopies to (206) 682-6031.

Please direct all communications to:

Richard G. Sharkey  
Seed and Berry LLP  
6300 Columbia Tower  
701 Fifth Avenue  
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to NEORX CORPORATION filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

NEORX CORPORATION  
ASSIGNEE

December 18, 1997

DATE

(Name)

  
John M. Reno

(Title)

Vice-President of Research & Development

Enclosure:

Copy of Assignment

KP/5249/1

## ASSIGNMENT

WHEREAS, we, Scott S. Graves, John M. Reno, Robert W. Mallett, Mark D. Hylarides, Stephen M.J. Searle, Andrew H. Henry, Jan T. Pedersen and Anthony R. Rees (hereinafter referred to as ASSIGNORS), having post office addresses of: 23302 171st Avenue S.E., Monroe, Washington 98272; 2452 Elm Drive, Brier, Washington 98036; 14216 61st Avenue S.E., Everett, Washington 98208; 21728 50th Avenue N.W., Stanwood, Washington 98292; Stephen M.J. Searle, Highworth, Stockers Hill Road, Rodmersham Green, Sittingbourne, Kent, ME9 0PL, United Kingdom; 4 Fennel Way, Abingdon, Oxon, OX14 3TL, United Kingdom; 9824 Mahogany Drive #208, Gaithersburg, Maryland 20878; and The Hermitage, Sharpstone, Freshford, Bath, BA3 6DA, United Kingdom, respectively, are the joint inventors of an invention entitled "HUMANIZED ANTIBODIES THAT BIND TO THE ANTIGEN BOUND BY ANTIBODY NR-LU-13 AND THEIR USE IN PRETARGETING METHODS," as described and claimed in the specification forming part of an application for United States letters patent executed herewith.

WHEREAS, NeoRx Corporation (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington having a place of business at 410 West Harrison, Seattle, Washington 98119, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Dec. 18, 1997  
Date  
Scott S. Graves  
Scott S. Graves

State of Washington )  
County of King ) ss.

I certify that I know or have satisfactory evidence that Scott S. Graves is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated December 18, 1997  
Signature of Tamara R. Belland  
Notary Public  
Printed Name TAMARA R. BELLAND  
My appointment expires 11/11/01

12/18/97  
Date  
John M. Reno  
John M. Reno  
State of Washington )  
County of King ) ss.

I certify that I know or have satisfactory evidence that John M. Reno is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated December 18, 1997  
Signature of Tamara R. Belland  
Notary Public  
Printed Name TAMARA R. BELLAND  
My appointment expires 11/11/01

12-18-97  
Date \_\_\_\_\_  
Robert W. Mallett  
Robert W. Mallett

State of Washington )  
County of King ) ss.

I certify that I know or have satisfactory evidence that Robert W. Mallett is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated December 18, 1997  
Signature of Notary Public Tamara R. Belland  
Printed Name TAMARA R. BELLAND  
My appointment expires 11/11/01

12-18-97  
Date \_\_\_\_\_  
Mark D. Hyland  
Mark D. Hyland

State of Washington )  
County of King ) ss.

I certify that I know or have satisfactory evidence that Mark D. Hyland is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated December 18, 1997  
Signature of Notary Public Tamara R. Belland  
Printed Name TAMARA R. BELLAND  
My appointment expires 11/11/01

7/1/98  
Date

Stephen M. J. Searle  
Stephen M.J. Searle

STATEMENT BY WITNESS

I, Prima Dauber-Osguthorpe, was personally present and did see Stephen M.J. Searle, who is known to me, execute the above assignment and acknowledge it to be his free and voluntary act for the uses and purposes mentioned in the assignment.

Dated 7/1/98

Signature of  
Witness Prima Dauber-Osguthorpe

Printed Name PRIMA DAUBER-OSGUTHORPE

19th December 1997  
Date

Andrew H. Henry  
Andrew H. Henry

STATEMENT BY WITNESS

I, STEPHEN LITTLE, was personally present and did see Andrew H. Henry, who is known to me, execute the above assignment and acknowledge it to be his free and voluntary act for the uses and purposes mentioned in the assignment.

Dated 19th 12th 1997

Signature of  
Witness Stephen Little

Printed Name STEPHEN LITTLE



2-21-98  
Date

Jan T. Pedersen  
Jan T. Pedersen

State of Maryland )  
County of Montgomery ) ss.

I certify that I know or have satisfactory evidence that Jan T. Pedersen is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

Signature of  
Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_

My appointment expires \_\_\_\_\_

29 December 1997  
Date

XPR  
Anthony R. Rees

STATEMENT BY WITNESS

I, Marianne Stahl-Rees, was personally present and did see Anthony R. Rees, who is known to me, execute the above assignment and acknowledge it to be his free and voluntary act for the uses and purposes mentioned in the assignment.

Dated 29 December 1997

Signature of  
Witness Marianne Stahl-Rees

Printed Name MARIANNE STAHL-REES

## PATENT

I hereby certify that on the date specified below, this correspondence is being transmitted, via facsimile, to the Commissioner for Patents, Attention: Examiner Minh-Tam Davis, Washington, DC 20231.

August 22, 2001  
Date

M. A. Scarlett  
Millicent A. Scarlett

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott S. Graves et al.  
Application No. : 08/871,488  
Filed : June 9, 1997  
For : HUMANIZED ANTIBODIES THAT BIND TO THE ANTIGEN  
BOUND BY ANTIBODY NR-LU-13 (AS AMENDED)

Examiner : Minh-Tam B. Davis  
Art Unit : 1642  
Docket No. : 690022.527C1  
Date : August 22, 2001

Commissioner for Patents  
Washington, DC 20231

DECLARATION OF DEPOSIT

Commissioner:

I, Richard G. Sharkey, hereby declare as follows.

1. I am the attorney of record for Applicants in the above-identified patent application.

2. Applicants' deposited cell line NR-LU-13 (a chimeric hybridoma), was accepted for deposit on May 23, 1997 at ATCC (American Type Culture Collection, now having an address of 10801 University Boulevard, Manassas, Virginia 2010-2209, and formerly of 12301 Parklawn Drive, Rockville, Maryland 20852, U.S.A.) under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure.

3. The deposited cell line was accorded the accession designation CRL-12360.

4. The cell line has been deposited under conditions that assure that access to the cell line will be available under the pendency of the above-identified patent application to one determined by the Commissioner for Patents and Trademarks to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

5. All restriction on the availability to the public of the deposited cell line will be irrevocably removed upon the issuance of a patent from the above-identified patent application.

6. The deposited cell line will be replaced if viable samples cannot be dispensed by ATCC.

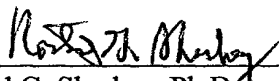
7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC



00500

PATENT TRADEMARK OFFICE

  
\_\_\_\_\_  
Richard G. Sharkey, Ph.D.  
Registration No. 32,629

Millicents/208473